

Exhibit 2

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
TEEVEE TOONS, INC. d/b/a TVT RECORDS,

Plaintiff,

-against-

Civil Action No.
03 CV 10148

REP SALES, INC. d/b/a RYKO DISTRIBUTION (JGK) (KNF)
PARTNERS and DM RECORDS, INC.,

Defendants.

-----x
AND

-----x
TVT MUSIC, INC.,

Plaintiff,

-against-

Civil Action No.
05 CV 5602

REP SALES, INC., d/b/a RYKO DISTRIBUTION (JGK) (KNF)
PARTNERS and DM RECORDS, INC. d/b/a
ICHIBAN RECORDS and/or CRITIQUE
RECORDS,

Defendants.

-----x
August 22, 2006
10:02 A.M.

Videotaped deposition of
LAWRENCE FERRARA, Ph.D.

ARTA PASCULLO, President



CLASSIC REPORTING, INC.
TOTAL LITIGATION SUPPORT

13 West 36th Street • New York, New York 10018
Tel: (212) 268-2590 • Fax: (212) 268-2596

1

Videotaped Deposition of Expert

3 Witness LAWRENCE FERRARA, Ph.D., taken by
4 Defendants, pursuant to Subpoena, at the
5 offices of Labaton, Sucharow & Rudoff, LLP,
6 100 Park Avenue, New York, New York 10017
7 before Arta Pascullo, a Registered
8 Professional Reporter and Notary Public within
9 and for the State of New York.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

35

1 L. Ferrara, Ph.D.

2 on, yes.

3 Q. Were you specifically aware of
4 reggaeton?

5 A. I had heard of reggaeton and --
6 yes and listened to it before.

7 Q. For pleasure again or --

8 A. Yes. I can't recall a specific
9 instance of a claim that might have come
10 before me and in which I was asked to render
11 an opinion that had to do with reggaeton. I
12 may have indeed, but I'm certainly aware of it
13 just for pleasure.

14 Q. Do you know of any reggaeton
15 artist, as you sit here today?

16 A. Off the top of my head, I
17 couldn't give you a name.

18 Q. You're familiar also with the
19 U.S. Copyright Act's definition of a
20 compulsory license, which includes the
21 privilege of making a musical arrangement of
22 the work to the extent necessary to conform it
23 to the style or manner of interpretation of
24 the performance involved?

25 A. Yes, I am.

1 L. Ferrara, Ph.D.

2 Q. Now, you've made some broad
3 sweeping statements about the Reggaeton Remix
4 compositions including new material. Couldn't
5 that be part of, part and parcel of, being an
6 arrangement of the work in such a manner as to
7 conform it to the style or manner of
8 interpretation of a reggaeton performance?

9 MR. CAPLAN: Objection to the
10 form of the question.

11 You can answer the question.

12 A. Shall I use the word "conflation"
13 again? I think perhaps you've put together in
14 that portion that you have just recited from
15 the Copyright Act the word "style" and the
16 next sentence, I guess, or the next phrase
17 that comes up in that statute and that is
18 fundamental character. You didn't go that far
19 into what you just read, but it's about five
20 or six words later, to the best of my
21 recollection, style and fundamental character.

22 Q. And manner of performance, style
23 or manner of performance?

24 A. And fundamental character are
25 clearly in that statute distinguished.

1 L. Ferrara, Ph.D.

2 Furthermore, in musicology they are also
3 clearly distinguishable -- yes,
4 distinguishable.

5 To take a song and to maintain
6 the most important melodies and lyrics and to
7 simply change the style into reggae or
8 reggaeton would be an issue of changing the
9 arrangement and style.

1.0 But to the extent that you change
11 melodies, that you take melodies and omit them
12 and put new melodies in, that is not an
13 instance of a difference in style but that is
14 an instance, in my opinion and from a
15 musicological perspective, of a change in the
16 fundamental character and/or the melody of the
17 original work.

18 Q. Doesn't that happen all the time
19 in jazz interpretation and jazz improvisation?

20 MR. CAPLAN: Object to the form
21 of the question.

22 A. In a -- well first of all, you
23 are bringing up something of a red herring.
24 Because the improvisational part of a jazz
25 song remains somewhat gray and this is